

Appendix V.
vide Answer to Question No. 129.

Statement showing the major items of production in the Rubber Factory together with the quantity and value of each item.

			Rs.	As.	P.
Cycle tubes	...	15,263	11,447	4	0
Cycle tyres	...	1,733	2,791	8	0
Motor car tubes	...	128	540	0	0
Carry tyres	...	17,336 ft.	8,946	8	0
Sheetings	...	11,145 lbs.	8,093	8	0
Surgical tubings	...	2,824 lbs.	4,617	0	0
Hose pipes	...	2,896 ft.	1,188	0	0
Marble tiles	...	233 Nos.	75	0	0
Air cushions	...	7 Nos.	28	0	0
			37,726	12	0

VOTING ON DEMANDS FOR GRANTS—(contd.)

DEMAND VIII—ADMINISTRATION OF JUSTICE—(contd.)

Motion No. 402.

PRESIDENT : The time allotted for questions has expired.

We will now proceed to the discussion on Demands for grants. I find that motion No. 402 was touched yesterday. It was held over on account of want of time for a decision as regards the admissibility of that particular cut motion. The wording of the cut motion is not clear to my mind. It has been made on the grant of Rs. 72,994 which appears as the total votable grant in regard to the High Court. If therefore the object of this motion is to protest against the importation of outsiders as High Court Judges the ruling given by the Chair on the adjournment motion which came up for consideration early in the Session will still hold good. But if the object of this motion is to discuss in a general manner regarding the recruitment of Judges, the question will assume a different complexion. In regard to the previous ruling, the Chair will still insist and no reference being made to the importation of outsiders as High Court Judges which has already been ruled on the ground that the High Court Judges are the appointments made by the Sovereign direct and no action of the Sovereign should be subjected to discussion on the floor of the House. Not merely in respect of an adjournment motion, but in respect of every proceedings before the House such action cannot be challenged or discussed.

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[President.]

Now the honourable member will please explain the object of his motion before its admissibility is decided.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): I may, at the very outset, make it clear that the purpose of my motion is not to protest against any appointments made in the High Court. My motion is to discuss the general policy of recruiting persons as Judges and not of any particular recruitment or any particular appointment made in the High Court.

PRESIDENT: But then the Chair is again landed in another difficulty. The wording of the motion, *viz.*, to protest against the importation of outsiders as Judges has got to be looked into once more. If the High Court, Judges are completely eliminated from the ambit of this particular motion then it ought to refer to Judges other than of the High Court *viz.*, District Judges, Second Judges and so on and so forth. If the honourable member holds that there are instances in which importations have taken place to such offices, reference will certainly be within order.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): My purpose in introducing this motion is to ward off a very highly probable mischief that the High Court itself may do. The High Court has very much to do in selecting persons to be appointed as Judges in lower courts. There is every reason to believe that the High Court as at present constituted might help the importation of outsiders as Judges into this country.

PRESIDENT: Now therefore let me make myself quite clear that the honourable member has not got in his mind anything about the importation of High Court Judges.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): Nothing, Sir.

PRESIDENT: So, the honourable member is going to preach a sermon to the High Court to avoid the pitfalls of importing Judges into the country even in respect of District Judges, Second Judges, etc.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): Yes, Sir.

The High Court Judges are ordinary human beings; and as such they are amenable to all the weaknesses of men. It is only natural they will have their friends and relations who live outside Travancore and there is the likelihood of those persons being brought into the country. Even in the past; we have seen instances of High Court Judges coming from outside. The Chief Justice was often imported from outside the country; and when the Chief Judge happened to be an Indian, in addition to him, an Englishman was imported as a Puisne Judge. But there was one safety at least in those days, namely, that the majority were Travancoreans and this block of Travancoreans proved an effective fortification against the importation of outsiders at least in the lower courts. Even in those days when the majority

were Travancoreans, there had been instances when the outsiders succeeded in breaking the fortification and smuggling in persons from outside. If that took place at a time when the majority were Travancoreans, what is it that cannot take place now on a large scale? Now practically five out of the seven Judges in the High Court are from outside. They have lived and spent their life-time outside Travancore and naturally they must have developed various relations and a wide circle of friends intimately and inseparably related to them by a series of mutual obligations extending over years. These people will come to them, some requesting, some compelling and the appeal will prove irresistible. Till now there was at least one safety in the fact that though the majority were recruited from outside they were in fact Travancoreans and whatever be their relations all their permanent interests were within the country. Now with the latest recruit in the High Court, even that hope is gone. He is not a Travancorean; nor had he anything to do with Travancore till now. When the Judges have absolutely no relation to Travancore, it will be no wonder if they have no sympathy for Travancoreans.

This House has often repeated its decree against the appointment of outsiders to the various offices. This is not the occasion to go minutely into the various aspects involved in the matter. There might arise exceptional occasions when it may prove absolutely necessary to invite an outsider. For example, in connection with the launching of industries and business enterprises, we may require the services of many experts and if the country does not possess sufficient number of experts, it will become absolutely necessary to invite persons from outside for the development of these industries. That is the only justification for inviting an outsider.

In regard to importation of Judges, it is entirely a different matter. There is a good number of pre-eminently efficient men in the country for filling the places in the Judiciary. Travancore has been always rich in men and women in all walks of life in the country. And if every profession was rich, our legal profession has been the richest. The most powerful, the most influential, the most living the most felt section of our public has been the lawyers. I am sure this House itself is an unopposable proof of the influences and efficiency of our lawyers. If we make a profession-war list of the members of the House, we will see what power our lawyers possess in the country. If there is any one to tell us that we have to get men from outside to adorn the judiciary, that is a position against which we must protest. As I said above, there have been occasions when we had a few outsiders as Judges. But they appeared as rarely as comets! But now we have a regular galaxy of come to in the High Court and we have to take particular care that they do not spread their ominous shadows over the lower courts also. So I request this House to accept this motion and record thereby our emphatic protest so that the policy of importation may not be resorted to in future.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I rise to support the motion. I want to bring forward one important consideration in relation to this question. Whenever a foreigner is appointed to an office in Travancore, there is naturally a tendency for the State to give him better terms of salary as against what appears in the same grades of the service. I want to warn Government of this calculated action which is not at all desirable in the judiciary. We want to improve it at all the judiciary.

PRESIDENT: The discussion must be confined to the Judges and Judges alone.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Yes, Sir. If an outsider is appointed as a District Judge in Travancore, the chances are,

I submitted, that he would be given better terms than a Travancorean holding an office of similar rank. What will be the consequence? When Travancorean District Judges are working on a salary of Rs. 500 to 700 a month, and a pension which they can earn according to the Travancore Service Regulations, naturally an outsider who is appointed as District Judge will have to be given, or may at any rate, be given a higher salary. Now that will bring in naturally discontent among the officers and what will be the result? The minimum work that they are expected to do and the quality will naturally deteriorate. If there is any one kind of work in the service of the State that has to be put forth by an officer to his best, it is one of the Judiciary. There, Sir, the quality of the work must naturally be down, the volume of the work also will go down and it will lead to a state of affairs which will be, to say the least, highly undesirable. That will be the natural result of appointing persons on terms different from those applicable to Travancoreans.

PRESIDENT: Can the member give an instance?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir,—

PRESIDENT: Now the honourable member has landed us to a position in which we can neither speak nor keep quiet. It is more or less an imaginary world that we have to picture before us. If there had been a case of importation of an outsider as a District Judge or a Second Judge, naturally the honourable members who have come to speak on the motion would be justified in giving an instance of that kind and speaking with a vengeance on that idea. Now as I was telling a little while ago to the mover of the motion, the honourable member is merely now going to preach a sort of sermon to the judiciary. Is the honourable member going to continue in that same strain, I ask? Unless there is some concrete instance and unless the attention of the House is drawn to a particular instance in which the Government have misbehaved, all this discussion becomes out of place.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I ask the member whether he cannot give similar instances of importation of outsiders to departments other than the High Court?

MR. A. THANU PILLAI (*Trivandrum--Rural*): Most of the outsiders appointed here are on special terms.

PRESIDENT: As District Judges?

MR. A. THANU PILLAI (*Trivandrum--Rural*): My position is this. Whenever District Judges are appointed, they are appointed on special terms.

PRESIDENT: I am not speaking of the Land Revenue Department, the Excise Department or the Stamp Department. I am speaking of the Judiciary. It is a question of the recruitment of Judges other than to the High Court.

MR. A. THANU PILLAI (*Trivandrum--Rural*): The motion itself was allowed on this basis. The mover said that he wants to prevent, if possible, the importation of foreigners as Judges in the lower ranks of the Judiciary. I submit for the consideration of the House that there are serious objections and even serious dangers in importing foreigners as Judges. So incidentally I may have to refer to the High Court. I can only build on possibilities. There is this aspect of the matter which has to be taken into account in relation to this question. With these words, I support the motion.

MR. S. J. NAIR (*Nedumangad*): Sir, I also wish to speak a few words in support of the motion. Unfortunately we are treading on a slippery ground. We doubt how to proceed, and where to proceed. This is unfortunately the position in which we are placed. Anyhow, I have to submit for the information of this House as well as the Government that there are several brilliant, healthy and youthful lawyers in this country.

PRESIDENT: Including, of course, the Honourable member himself. (*Laughter.*)

MR. S. J. NAIR (*Nedumangad*): So whenever recruitment in the Judiciary takes place, it would be fair to the good name of the State as well as the good name of the lawyers in the State and high literacy in the country to confine the attention of the Government in the matter of recruitment amongst the lawyers in the State and conduct recruitment from the lawyers belonging to Travancore.

PRESIDENT: As it is now done.

MR. S. J. NAIR (*Nedumangad*): Not so. Now it is not always done so. There are instances on former occasions when Messrs. Bhaskara Menon and Nagappan Nair were recruited as Second and District Judges.

PRESIDENT: From what place?

MR. S. J. NAIR (*Nedumangad*): They belong to other places outside Travancore.

PRESIDENT: Are they still living?

MR. S. J. NAIR (*Nedumangad*): I think at least one of them is living. Again, if my information is correct, I understand that some foreigners have applied for appointments in the Judicial Department as Second Judges and District Judges. Anyhow it is not a good thing

[Mr. S. J. Nair.]

so far as the State is concerned. So in the interest of the good name of the State, in the interest of lawyers of the State, and of the Government, as well as in the interest of the fame for education we have attained, I submit to the notice of Government that they must not, under any circumstances, import outsiders into the Judicial Department of the State, because it is most painful so far as the interests of the lawyers in the country are concerned. With these words, I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir this debate which was well nigh becoming a full dress debate is strangely unreal. There is a story of an elaborate preparation for marriage and a full marriage ceremony having been performed—but without a bride. This debate reminds me of that.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether Mr. Rama Kurup is a Travancorean?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe that, according to the Service Regulations, he is a Travancorean. The High Court does act and may be expected to act in accordance with the Service Regulations in the matter of making appointments, and there is also the Government who will look into the appointment of the Judges, the District Judges as the Government it is that have finally to sanction such appointments.

PRESIDENT: I will just ask Mr. Padmanabha Pillai whether he wants a vote.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): I think a vote is necessary.

PRESIDENT: If a vote is necessary, then I shall want "other than High Court Judges" being added at the end.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): I would like to know how the motion would then stand.

PRESIDENT: "To protest against the importation of outsiders as Judges other than High Court Judges".

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): Then I do not press it. That goes against my motion.

PRESIDENT: The House could have utilised the time more profitably on other motions which are on the agenda. Therefore the member wants to withdraw the motion?

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanacherry I*): Yes, I want to withdraw the motion.

The motion, by leave, was withdrawn.

The following motion was not moved:—

Motion No. 403.

MR. S. NILAKANTA PILLAI:

3. To reduce the allotment of Rs. 72,994 for High Court by Re. 1.

Motion No. 404.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, I beg to move the following motion:

"To reduce the allotment of Rs. 72,994 for High Court by Re. 1".

The object of my motion is to speak about the shifting of the Munsiff's Court (Additional) from Attingal to Tiruvalla. Sir, it is rumoured that the additional Munsiff's Court at Attingal is to be shifted to Tiruvalla. I am subject to correction. If the Government member would say that it is not a fact then I will be glad to withdraw the motion. The Additional Munsiff's Court at Attingal is a permanent court established there more than a quarter of a century ago.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I rise to a point of order. The motion itself is based on a rumour. I wish to know whether it is proper to allow a member to move motions based on rumours.

PRESIDENT: I shall have to ask what proof the member has in support of the rumour.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): If the member is not satisfied with the word "rumour", I shall say there is a proposal.

PRESIDENT: Wherefrom? From the Chair?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I understand that there is a proposal from the High Court.

PRESIDENT: What is the basis of the knowledge of the Honourable member?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): If the Government denies—

PRESIDENT: Is Government to deny every blessed rumour?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I understand that there is a proposal to shift the Additional Munsiff's Court at Attingal to Tiruvalla.

PRESIDENT: You have definite information that there is a proposal before the Government. Is that so?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Yes, Sir.

PRESIDENT: Then it is no more a rumour.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I said that only for the sake of argument. If the Government member says that there is no proposal before the Government to shift the court to Tiruvalla, I am prepared to withdraw the motion. Sir, it is a permanent court established there more than quarter of a century ago.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know in which year it was established?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): It was established more than 25 years ago. That is all that I can say at present.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that the Attingal Munsiff's Court is a permanent court which was shifted years ago from Nedumangad?

PRESIDENT : He did not dig into the ancient history.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : Let me know the number of cases pending there?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : If there is any congestion of suits, it is the duty of the High Court to recommend the shifting of temporary courts. I submit that there is a slight decrease in the file of the civil suits at Attingal. During 1110, the number of original suits for disposal, including suits pending at the beginning of the year and also suits instituted during the year and the suits received by remand etc., comes to 1,742 in the Munsiff's court at Attingal and the number of small causes comes to 673. Together they come to 2,415 cases, on the file of the Principal Munsiff's Court during the year 1110. In the Additional court the original suits and small causes taken together come to 2,321 and the original suits pending disposal at the close of the year 1110 in the Principal Munsiff's court is 443 and in the Additional Munsiff's court 722.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know how many cases were disposed of?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : My friend may very well calculate the number. I have given the number of cases pending for disposal during the year 1110 and also the number of suits at the close of the year.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade*) : May I know the number of cases pending at present in the respective courts at Attingal?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : With regard to the year 1111, I have no data. I have got only the administration report for the year 1110.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know the number of cases pending on the file of the Additional Munsiff's Court at Attingal according to the last quarterly returns?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : I have stated the number of cases pending in the Attingal Additional Munsiff's Court at the close of the year 1110. That is all I know and that is enough, I think for the present discussion.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Is that a ground for continuing the Court in 1111?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : Not that. I will urge the ground on which I rely for the continuance of the Court at Attingal.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know the number of pending suits in Tiruvalla to which place this Court was shifted according to the member?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : If the member is very particular, he can refer to the Administration Report for the year 1110.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know from the member whether the member has taken into consideration that fact?

also when he is pressing for the retention of the Munsiff's Court at Attingal?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): When there is sufficient work in Attingal for two Courts to function, I need not take into consideration the file of the Tiruvalla Court. Moreover, I have no objection in Tiruvalla having two Munsiffs' Courts. My objection is against the transfer of the Munsiff's Court from Attingal. I confine to that fact alone.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether, if the finances do not allow and if the claim of Tiruvalla in respect of pending cases is greater, the member will not be prepared to see that this Court is shifted to Tiruvalla?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, I do not take the financial question into consideration, because the shifting of the Court does not affect the finances. My objection is only with regard to the shifting of the Attingal Munsiff's Court. There may be congestion of work in Tiruvalla. But, for that, why should the Attingal Munsiff's Court be shifted to Tiruvalla? There are ever so many temporary Courts in which there is only slight work. One of these temporary Courts can very well be transferred to Tiruvalla. I admit there is some decrease in the file of the original cases in the Courts at Attingal. But the decrease is not so much as to justify the removal of one Court.

In this connection, I have to submit a word in regard to the Munsiffs who were responsible for the shifting of one Court. The Principal Munsiff one Mr. K. N. Govinda Pillai is the most ill-tempered of all the judicial officers. In the disposal of original suits, he adopted summary procedure and the file was cut short arbitrarily. The result has been loss and hardship to the parties. On account of the acute economic depression, the aggrieved parties could not go up in appeal; yet if we look into the file of the District Court, Trivandrum, we can see the majority of appeals have been preferred from the decrees of this Munsiff. It is a pity, Sir, the Honourable High Court does not care for the quality of the work. The Additional Munsiff, one Mr. Krishnan Nair, took lesson from the Principal Munsiff and summarily decided cases. This is how the two Munsiffs decreased the file of their Courts. Then, there is heavy work in execution. There is enough work for three Munsiffs.

MR. K. PADMANABHAN (*Chirayinkil I*): I second the motion. Sir, I would be failing in my duty to my constituency if I do not support this motion moved by my friend Mr. Nilakanta Pillai. From the figures given out by my learned friend, it could more or less be inferred that an Additional Munsiff's Court at Attingal is a necessity. If it is a question of having one more court at Tiruvalla, that is a different matter. If there is any recommendation in the report of the Law's Delays Commissioner or if there is any other proposal from the High Court for the establishment of a new Court at Tiruvalla, it is not a matter to be grudged on the ground of want of funds. Funds would be

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[Mr. K. Padmanabhan.]

forthcoming if there is such a necessity and a new court should be established. The policy of transferring one court from an area to another simply because there is a small decrease in the file in one particular area is not a commendable one, Sir. There might have been some decrease in the file of cases in the Attingal Additional Munsiff's Court. But the question to be considered, before it is finally decided to transfer the court, is whether there is any steady decrease. Decrease in file may be due to several causes. Particularly owing to the economic depression, I believe, there is a general fall in the file of all the Munsiffs' courts in the State. Sir, the recent circulars issued by the Honourable High Court regarding execution has tended to decrease the execution file in most of the courts. Temporary decrease in the file is not an argument for the abolition of a court or the shifting of that court from that locality to another. Sir, in the recommendations of the Law's Delays Commissioner, I believe, there is a proposal for shifting this court from Attingal to another station in Chirayinkil taluk, I mean to Varkala. That recommendation was made by the Law's Delays Commissioner in consideration of the convenience of the litigant public of that taluk. If at all there is a proposal to transfer this court, my humble request is that the court may be transferred to Varkala so that it may suit the convenience of the litigant public. With these observations I strongly support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, there is a proposal at present to transfer one of the Munsiffs' courts at Attingal to Tiruvalla. That is due to the fact that there is not sufficient volume of work in Attingal to engage two courts. On the 1st of Karkadakom 1111 the number of original suits pending in both the courts together at Attingal was 718, while the number of original suits on the same date at Tiruvalla was 1,443. So that, it will be noticed that while at Attingal, there are at present only 718 original suits to be disposed of, there are in Tiruvalla 1,443 original suits to be disposed of. The Law's Delays Commissioner's view is that on an average a Munsiff can dispose of but 50 to 800 original suits in a year.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the number of applications for execution of decrees in both the courts together?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the figures. We are concerned mainly with the original suits and small cause suits. And, I have given the figure for original suits. The Law's Delays Commissioner's idea is that there should be one court for every 750 or 800 original suits to be disposed of. If that is considered, it will be seen that there is no necessity for two courts at Attingal, while there is necessity for two courts at Tiruvalla. Hence the proposal to shift one of the two Attingal courts to Tiruvalla.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware from where the court has been shifted to Attingal?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that one of the Munsiff's Courts at Attingal was shifted from Pirappamcode in the Nedumangad taluk?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps it may be so. Anyhow, I am prepared at present to accept the assurance of Mr. S. J. Nair.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware from perusing the report of the Law's Delays Commissioner that a Munsiff's Court is necessary at Nedumangad?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am prepared to accept an assurance on that point also from Mr. S. J. Nair.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government have any objection to shift the Attingal Additional Munsiff's Court to Nedumangad?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To that, Government have definite objections. (*Laughter*)

Sir, there is real necessity for one more Court at Tiruvalla and therefore the proposal is to transfer one Court to Tiruvalla. I may also say, for the information of the House, that the proposal at present is to transfer the Attingal Court for one year. Afterwards, if the present necessity ceases to exist, this court may perhaps be retransferred to Attingal.

MR. S. J. NAIR (*Nedumangad*): May I know what objection the Government have got in transferring the temporary Munsiff's Court at Nedumangad to Tiruvalla for temporary purposes and transferring the permanent Munsiff's court at Attingal to Nedumangad permanently?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall answer that question when Mr. Nair's motion on that point comes up.

MR. S. J. NAIR (*Nedumangad*): Supposing my motion does not come up at all?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then the question may not be answered.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the number of applications for execution of decrees pending in the Attingal Courts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got information about that.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether there is any other Munsiff's Court in the State with a smaller file?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Presumably there is not. That is why the High Court has recommended the transfer of the Attingal Additional Munsiff's Court.

MR. K. PADMANABHAN (*Chirayinkil*): Is the fall in the file permanent or is it only accidental?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not decided yet. The High Court has made the recommendation for the transfer for one year only at present. So, now, it is only a temporary transfer, for reasons, which perhaps are temporary.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether the Government, before deciding this question, took into consideration the number of applications for execution of decrees in both the courts together.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not quite sure. If that was a material factor, the High Court must have taken that also into consideration.

PRESIDENT: Do you want to press the motion?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): The execution work alone will necessitate the retention of the Additional Court. Therefore I request, Sir, that the authorities concerned in this matter be pleased to reconsider the position because it is not too late, as the court has not been shifted as yet. So in view of the large volume of work in the execution side and in view of the fact that the file is steadily increasing on the trial side, I request that the authorities concerned would reconsider the position and retain the Additional Munsiff's court at Attingal there. With these words, I request the leave of the House to withdraw the motion.

The motion was, by leave of the House, withdrawn.

Motion No. 405.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to move:

"That the allotment of Rs 72,994 for High Court be reduced by Re. 1"

Sir, the object of my motion is to point out the need for exercising more effective control by the High Court to do away with corruption and minimise law's delays in the judiciary as a whole.

Sir, the most important side in the administration of justice is one where in most effective control both in the matter of the judicious and proper administration of justice as well as in the speedy execution of justice are to be mainly exercised. In the Courts from the lowest to the highest, we find, Sir, that, whenever a suit is filed, at various stages one after another, the parties are put to a lot of worry and difficulty not to say of unnecessary waste of money they have to incur. There is corruption from the peon, in some cases, to the highest official. There is corruption from the Mochee, the Process Server and all the officers through whom a case has to pass through. Summonses are not properly served. The parties who are prepared to give bribe escape; and on account of that, the cases have to be posted in many instances. Sir, if justice is not available and the object of the suit is not properly served, I do not understand why the judiciary should exist at all.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Has the member any remedy to suggest so as to remove corruption?

MR. K. R. ELENKATH (*Kalkulam I*): In the course of my speech, I shall suggest. If the purpose of litigation has been appreciated and if the object itself does not serve the party to the litigation, I do not understand why such cases should be taken to courts at all. For example, take the case of election disputes. Ordinarily election of a party takes place for three years; and if an election case is filed in a court and if the final decision in that case is not reached within the course of three years, what is the purpose that the suit is going to do? To mention a concrete instance, in the local Principal Munsiff's Court, there is an election case. The election is only for one year.

MR. S. J. NAIR (*Nedumangad*): May I know whether the election case is still pending in the Munsiff's Court?

MR. K. R. ELENKATH (*Kalkulam I*): Yes.

MR. S. J. NAIR (*Nedumangad*): Then I rise to a point of order. My friend is discussing on a case that is pending in a court of law. Is it in order?

MR. K. R. ELENKATH (*Kalkulam I*): I am not discussing on the merits. I am simply saying that it is pending for a long period. Sir, the Administration Report of the Department shows that the amount of arrears is increasing from year to year. In the Munsiffs' Courts, from 32,339 in 1109, the number of cases pending has gone up to 40,015 in 1110. The position is the same with regard to small cause cases also. The number of such cases disposed of has been steadily declining year after year. In 1108, it was 4,348. In 1109, it was 3,814, and only 2,119 in 1110. Sir, one could have tolerated such delays in the lower courts, if there had been confirmation of the lower court judgments by the appellate courts in a vast majority of the cases. But, unfortunately, the percentage of decrees of the lower courts, confirmed by the higher courts, also shows a decline. In 1109, 55.74 per cent. of the lower court decrees were confirmed on appeal, while, in 1110, only 52.9 per cent. were confirmed.

Sir, the figures I have quoted show clearly that not only have the arrears been increasing, but the quality of work also has been deteriorating. Even in the District Courts, the position is not quite satisfactory. In regard to the original suits before District Courts, the pendency has increased.

In the highest court in the land, Sir, there is a tendency on the part of the parties to get their cases posted before particular Judges. We see parties rushing to the authorities concerned to post their cases before the Judges whom they want. Sir, the idea is that the best intelligentsia in the country, most unbiassed and best officers, are alone elevated as High Court Judges. In the light of that, I cannot comprehend why parties should be so earnest in regard to the Bench before which their cases are to be posted. I know, Sir, that it is not the Judges that do the boarding of the cases and that it is done by Deputy Registrar assisted by some clerks of the High Court. But what does this scramble on the part of the parties show? It is clear that the High Court have given rise to a kind of impression in the minds of the litigant public that the Judges are not above bias. Sir, that is a state

[Mr. K. R. Elenkath,]

of affairs for serious condemnation. Government must see that the public repose the highest confidence in the highest judiciary in the land. If the integrity of the Judges of the High Court is to be doubted by the litigant public, I wonder wherein lies the safety of the people. I would suggest, Sir, that the various cases before the High Court may be classified according to their importance and lots cast as to the cases which each Bench should hear. Sir, this is a matter which the Head of the Administration should take serious note of.

With regard to corruption in this Department, Sir, I know it has been in existence for a long time past. I maintain that it can be put down only by efficient control exercised by the High Court. At present, the lower courts are inspected by the High Court only during vacation time. The vacation Judge of the High Court takes his own time, and, during the vacation, on his way to some health resort, he just steps into some subordinate court on the way, for inspection as it is called. Sir, even such inspection is done in a haphazard manner. The High Court must make surprise visits. Unless the High Court takes up this question seriously and tries to exercise more effective control, there is sure to be corruption among the subordinates of the Department. Officers who are found to be guilty must be awarded exemplary punishment. Unless that is done, we cannot expect conditions to improve. Judicial officers must all be free from private influence brought to bear upon them. On the whole, Sir, stricter control should be exercised over the working of the subordinate judiciary.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I would not have stood up to speak in support of this motion but for a question by the Law Member put to the mover of the motion. He asked what suggestions the mover had to give to remove corruption. To me it struck immediately that the Law Member, unconsciously as it were, admitted that there is corruption in the judiciary. Having drawn that legitimate inference from the Law Member's question, I thought I must hasten to support the motion.

Even in the High Court, Sir, things are not going on in a desirable manner. To speak out, Sir, it is God's truth when I say that there is scramble among the High Court Judges to appoint their own men to the various posts in the Department. It is, as it were, a kind of distribution of spoils among themselves. Each Judge wants to appoint his own men. I understand reliably, Sir, that even for appointing Amins and Clerks, this kind of distribution by the Judges obtains. Sir, this, I submit, is not a desirable state of affairs, especially in the High Court. Further, I know a case in which a certain Judge of the High Court ruled that a District Magistrate's order, under Section 37 of the Police Regulation, was only an executive act and that therefore the High Court had no right or jurisdiction to interfere. Peculiarly enough, the self-same Judge, on a later occasion, when another order by a District Magistrate under the Section 37 of the Police Regulation came

up to the High Court, ruled deliberately quite against his former ruling, that it was a judicial order passed by the District Magistrate, that it was within the jurisdiction of the High Court and that therefore they could interfere in the matter, and actually interfered.

PRESIDENT: Does the Honourable Member hint any corruption on the part of the High Court Judge concerned?

MR. M. SIVATANU PILLAI (Tovala): If not, mental corruption, Sir.

PRESIDENT: We are not dealing with mental corruption or mental defectives here. You must refer to concrete cases of corruption, if any, on the part of judicial officers. The motion specifically relates to the removal of corruption in the Judicial Department and the speeding up of the disposal of cases by the judiciary. We are not here sitting to hear of what one Judge did, and another Judge did not or how one Judge reversed his own judgment.

MR. M. SIVATANU PILLAI (Tovala): This also is one form of corruption, Sir, when it can not be explained otherwise.

PRESIDENT: Quite irrelevant, please.

MR. SIVATANU PILLAI (Tovala): In regard to election cases, to which the mover referred, in order to see that the public policy in regard to elections is maintained, it is the duty of all judicial officers to proceed with election cases with all possible haste and arrive at an early finality in the matter.

The mover has also rightly emphasised the need to remove the cause for the scramble on the part of the litigant public to have their cases posted before a particular Bench which they want. Sir, if that be the impression that the High Court, as a result of its existence during the last so many decades, has created in the minds of the people, I should say that the very object of the institution of the High Court has been frustrated. It is high time that the Government take serious note of it and take effective steps to remedy the evil, instead of asking persons who allege corruption in the judiciary to suggest ways and means to put down corruption. Once the Government admit that there is corruption, it is their duty to devise ways and means to remove it. If the Government are not able to face the situation, I invite them to abdicate and hand their powers and functions to some one who could handle them efficiently.

With these words, I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (Additional Head Sirkar Vakil): Sir, at the outset, I may say that I am not aware of any scramble for the posting of cases before particular Benches in the High Court, or of any scramble among High Court Judges over the appointment of Amins or clerks or of any irregularity in the inspection of courts by the High Court. Any how, I will assure the House that the observations made by the honourable members on this motion—I daresay the honourable members made these statements with a full sense of responsibility—will be placed before

[Mr. Kayalam Paramesvaran Pillai.]

the Honourable Judges of the High Court, particularly the Chief Justice. No doubt, ultimately, it is the Government that is responsible to the public for everything done in the State; but in the matter of the administration of the Judicial Department, the responsibility rests with the High Court particularly with the Chief Justice, to a very large extent; I am sure that, if he reads the report of today's proceedings he will not hesitate to do the needful. At the same time, I want it to be clearly understood that I am not accepting the truth of the various statements that have been made here. They will surely receive due consideration at the hands of High Court.

In regard to the increase in the arrears of cases pending, there are law's delays no doubt and steps are being taken to remedy them. But, the increase in the year 1110, is mostly due to the rush on the part of the *Jenmis* for filing certain *jenmi* suits which, they were afraid, were becoming barred by limitations. The increase in the number of suits due for this reason is over 12,000.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*) Just one word, Sir. I do not expect that the Government should communicate their views to the High Court so far as judgments in particular cases are concerned. But, with regard to other matters in the Judicial Department, Government have the right to express their opinion. Otherwise, there will be no meaning in placing the present Demand before this House. So, while I maintain that the Judiciary should be independent in the disposal of cases, they ought to be amenable to the advice given by the Government in regard to other matters.

PRESIDENT: The time allotted for this Demand has expired.

The motion before the House is to reduce the allotment of Rs. 72,994 for the High Court by Re. 1 to point out the need for exercising more effective control by the High Court to do away with corruption and minimise law's delays in the judiciary as a whole. Mr. Elenkath, do you press your motion?

MR. K. R. ELENKATH (*Kalkulam I*): Though the Law Member has assured the House that he will communicate the fact to the High Court, I am of opinion.—

PRESIDENT: My simple question was whether the honourable member wants to press his motion. I did not want him to speak.

The motion was put to the vote of the House and declared lost.

The question that Rs. 10,76,241 be granted under Demand VIII.—Administration of Justice was put and carried and the grant was made.

Motion Nos. 406 to 422.

The following motions lapsed, the time allotted for the Demand having expired :—

MR. S. J. NAIR :

406. To reduce the allotment of Rs. 3,600 for Official Receiver's Allowance by Re. 1.

MR. K. M. KRISHNAN :

407. To reduce the allotment of Rs. 2,01,980 for Provincial Staff by Re. 1.

MR. S. NILAKANTA PILLAI :

408. To reduce the allotment of Rs. 19,994 for Village Panchayat Courts Establishment by Re. 1.

MR. S. J. NAIR

409. To reduce the allotment of Rs. 7,41,091 for Civil and Sessions Court by Re. 1.

MR. S. NILAKANTA PILLAI :

410. To reduce the allotment of Rs. 7,41,091 for Civil and Sessions Courts by Re. 1.

MR. R. SIVARAMAN NAIR :

411. To reduce the allotment of Rs. 26,040 for Magistrates by Rs. 5.

MR. S. J. NAIR :

412. To reduce the allotment of Rs. 96,005 for Criminal Courts by Re. 1.

MR. S. NILAKANTA PILLAI :

413. To reduce the allotment of Rs. 26,906 for Criminal Courts by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :

414. To omit the allotment of Rs. 3,600 for Secretary

MR. R. SIVARAMAN NAIR :

415. To omit the allotment of Rs. 6,637 for Committee for Revision of Statutes

MR. A. S. DAMODARAN ASAN :

416. To omit the allotment of Rs. 6,637 for Committee for Revision of Statutes.

MR. S. NILAKANTA PILLAI :

417. To reduce the allotment of Rs. 6,637 for Committee for Revision of Statutes by Re. 1.

MR. T. P. VELAYUDHAN PILLAI :

418. To reduce the allotment of Rs. 6,637 for Committee for Revision of Statutes by Rs. 10.

MR. S. J. NAIR :

419. To reduce the total allotment of Rs. 10,76,241 under Demand VIII by Re. 1.

MR. PUTHUPALJI S. KRISHNA PILLAI :

420. To reduce the total allotment of Rs. 10,76,241 under Demand VIII by Re. 1.

MR. S. NILAKANTA PILLAI :

421. To reduce the total allotment of Rs. 10,76,241 under Demand VIII by Re. 1.

MR. PACODE A. NARAYANA PILLAI :

422. To reduce the total allotment of Rs. 10,76,241 under Demand VIII by Re. 1.

The House rose for lunch at 1.2 P. M. and reassembled at 2 P. M. with the Deputy President in the Chair.

DEMAND IX—POLICE.

MR. R. PITCHU AIYANGAR (*Aq. Commissioner of Police*): Sir, I move for a grant not exceeding Rs. 7,48,423 under Demand IX—Police Vol. VIII No. 9.